

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DARRYL KEATON,

Plaintiff,

v.

11 Civ. 9619 (DAB)  
ADOPTION OF REPORT  
AND RECOMMENDATION

CITY OF NEW YORK,

Defendant.

-----X  
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the December 11, 2012 Report and Recommendation of United States Magistrate Judge Michael H. Dolinger (the "December 2012 Report") and the April 23, 2013 Report and Recommendation of Magistrate Judge Dolinger (the "April 2013 Report"). In the December 2012 Report, Judge Dolinger recommends that the Court deny Defendant's October 12, 2012 Motion to Dismiss. (December 2012 Report 1, 12.) In the April 2013 Report, Judge Dolinger recommends that the Court grant Defendant's March 5, 2013 Motion to Dismiss with prejudice. (April 2013 Report 1-2, 14.)


"Within fourteen days after being served with a copy [of a magistrate judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The Court may adopt those portions of the Report to which no timely objection has been made, as long as there is no clear error on the face of the record. DiPilato v. 7-Eleven,

Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009). To date, no objections to either of Judge Dolinger's Reports have been filed.

Having reviewed the Reports, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED and ADJUDGED that the Reports and Recommendations of United States Magistrate Judge Michael H. Dolinger, dated December 11, 2012 and April 23, 2013, be and the same hereby are APPROVED, ADOPTED, and RATIFIED by the Court in their entirety. Defendant's Motion to Dismiss filed October 12, 2012 is hereby DENIED, and Defendant's Motion to Dismiss filed March 5, 2013 is hereby GRANTED. Plaintiff's Complaint is DISMISSED with prejudice, and the Clerk of Court is DIRECTED to close the docket in this case. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York  
May 14, 2013

  
Deborah A. Batts  
United States District Judge